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Song K. Jung
Long, Aldridge & Norman, LLP
701 Pennsylvania Avenue, N.W., Suite 601
Washington, D.C. 20004

In re Application of
KONOVALOV, et al.
Application No.: 09/529,948
PCT No.: PCT/BY98/00008
Int. Filing Date: 25 September 1998
Priority Date: 06 August 1997
For: LIQUID-CRYSTAL DISPLAY (VARIANTS)
AND THE METHOD OF ITS FABRICATION

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is a decision on applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 21 April 2000. The required petition fee of \$1200.00 (37 CFR 1.17(m)) has been included.

BACKGROUND

On 25 September 1998, applicant filed international application PCT/BY98/00008, which claimed priority of an earlier application filed 06 August 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 February 2000. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 06 April 1999.

On 06 April 1999, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 21 April 2000, applicant filed the present petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (1), the required reply is the payment of the Basic National Fee under 37 CFR 1.492(a) and filing of the U.S. national stage entry application. Applicant has included this payment along with Form PTO 1390 and specification including claims.

As to Item (2) the appropriate small entity petition fee of \$1200.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that, "The entire delay in the national stage filing from the due date for the national stage filing until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies Item (3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

For the reasons above, the petition for revival is **GRANTED**.

It is noted that the application provided was missing pages 12 through 14 inclusive from the English translation. Therefore, this application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is, for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that the English translation is defective.



Richard Cole
Legal Examiner
PCT Legal Office



Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459